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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,141	10/20/2003	Richard J. Gilpatrick	039189-9074	2779

23409 7590 10/05/2005

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EXAMINER
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SMITH, TIMOTHY SCOTT

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/689,141

Applicant(s)

GILPATRICK ET AL.

Examiner

Timothy S. Smith

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10-20-03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3-1-04, 1-27-05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This Office Action represents a non-final first Office Action for the application titled "FRAME FOR PRESSURIZED FLUID APPARATUS," filed October 20, 2003.

#### ***Information Disclosure Statement***

The information disclosure statements filed March 1, 2004 and January 27, 2005 have been considered.

#### ***Specification***

1. The disclosure is objected to because of the following informalities: On page 2, line 1 states "the handle also include and integral accessory holder." Page 2, line 1 should be changed to –the handle also includes an integral accessory holder–. On page 3, lines 20-21 states "such as nylon or polypropylene." Page 3, lines 20-21 should be changed to –such as nylon or polypropylene–. On page 5, lines 12 and 14 assign reference numerals 36B, 36C, 36A, and 36D to the support legs. The reference numerals on lines 12 and 14 should be changed to –36B, 36C, 36A, AND 36D, respectively. Appropriate correction is required.

#### ***Claim Objections***

2. Claim 42 is objected to because of the following informalities: on line 2 the claim states "and." Line 2 should be changed –an–. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention subject matter which applicant regards as the invention.

Regarding claim 4, it is not clear if the applicant is attempting to recite the *subcombination* of an integrally formed one-piece frame for an apparatus that supplies a pressurized fluid, or the *combination* of the integrally formed one-piece frame *and* a power unit having an engine. The preamble of claim 1 states the former (note "for a for an apparatus that supplies a pressurized fluid ..."), but then an apparatus that supplies a pressurized fluid is positively recited in claim 4 ("...the base includes a power unit having an engine"). The applicant must make it clear if the power unit having an engine is intended to be *functionally* or *positively* recited.

***Claim Rejections - 35 USC § 102***

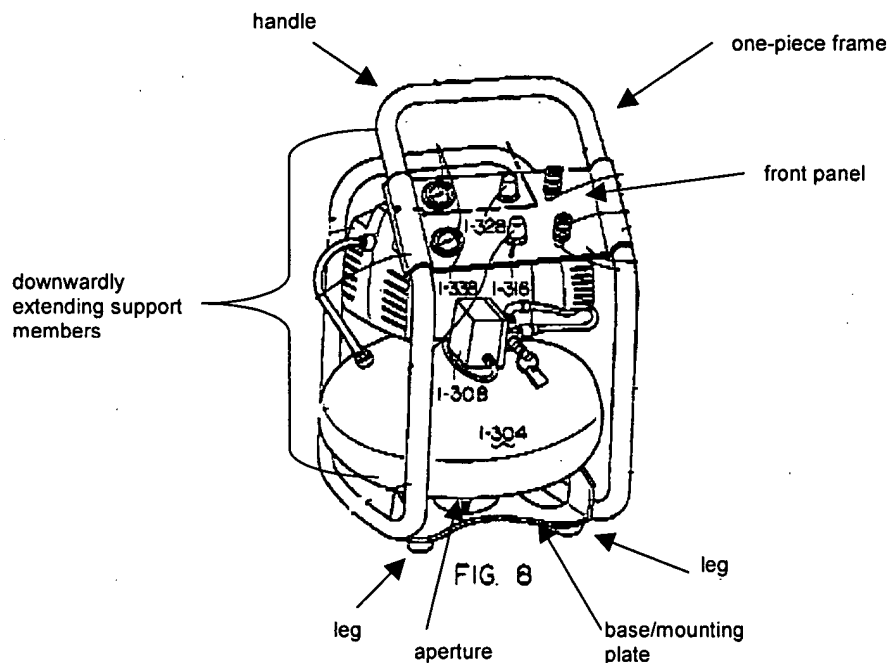
5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 3632

6. Claims 1, 4-7, 16, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,923,627 to Wood et al.



Wood discloses an integrally formed stackable one-piece frame, as shown above, comprising: a base that is capable of supporting a power unit; at least one leg that supports the base on a surface, an integrally formed handle having a pair of downwardly extending support members, said pair of downwardly extending support members are substantially parallel to the at least one leg and contiguous with the at least one leg, a power unit having an engine, a base having an aperture and a mounting

Art Unit: 3632

plate, said at least one leg includes a plurality of legs, a pair of downwardly extending support members that form an acute included angle with the base in the YZ-plane.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 6,923,627 to Wood et al.

Wood et al. discloses the frame as applied above but does not teach a frame being formed by injection molding. Nevertheless, claim 2 is rejected under 35 U.S.C. 103(a) because it would have been obvious to one of ordinary skill in the art at the time the invention was made to have made the frame by injection molding because the use of injection molding to form structures is well known in the art. Furthermore, the method of making doesn't limit the structure.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 6,923,627 to Wood et al.

Wood et al. discloses the frame as applied above but does not teach a frame having a base formed with at least one integral reinforcing rib. Nevertheless, claim 3 is rejected under 35 U.S.C. 103(a) because it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the frame with a

Art Unit: 3632

base having at least one integral reinforcing rib wherein doing so would increase the rigidity of the base. Furthermore, the use of a reinforcing rib to increase the strength and stability of a structure is well known in the art.

10. Claims 8 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,923,627 to Wood et al. in view of U.S. Patent No. 4,742,838 to Muiza.

Regarding claims 8 and 23, Wood et al. discloses the frame as applied above, but does not teach a frame wherein the at least one leg includes a support that engages the surface and defines a footprint of the frame, and wherein the handle has an upper end that defines a width such that the width of the upper end is less than the footprint. Nevertheless, Muiza discloses a frame (10) having at least one leg (37) that includes a support (39) that engages the surface and defines a footprint of the frame, and wherein the handle (18) has an upper end that defines a width such that the width of the upper end is less than the footprint. In view of Muiza, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the frame of Wood et al. with at least one leg that includes a support that engages the surface and defines a footprint of the frame, and wherein the handle has an upper end that defines a width such that the width of the upper end is less than the footprint wherein doing so would improve the stability of the frame.

11. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,923,627 to Wood et al. in view of U.S. Patent No. D465, 624 to Kolicheski et al.

Regarding claims 9-11, Wood et al. discloses the frame as applied above, but does not teach a frame having an integral accessory holder formed as one piece with the frame, said accessory holder including at least one aperture to accept a pressure washer wand, and said accessory holder including at least one aperture sized to accept a pressure washer gun. Kolicheski et al. discloses a frame having an integral accessory holder having a plurality of apertures therein and formed as one piece with the frame. In view of Kolicheski, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the frame of Wood et al. with an integral accessory holder having a plurality of apertures therein and formed as one piece with the frame wherein doing so would allow accessories to be supported within said apertures.

12. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,923,627 to Wood et al.

Regarding claim 12, Wood et al. discloses the frame as applied above, but does not teach a handle having a plurality of integral grip ridges; however it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the handle of Wood et al. to include a plurality of integral grip ridges because it is well known in the art that ridges on a surface increase the amount of friction between to objects, in this case, one's hand and the handle. Furthermore, one would have been motivated to include a handle that provides stronger gripping means.

13. Claims 13-15, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,923,627 to Wood et al.



Wood et al. discloses the frame as applied above, but does not teach a handle that includes a pair of downwardly extending support members that form an acute included angle with the base in the XY-plane, at least one leg that forms an obtuse included angle with the base in the XY-plane, and at least one leg that forms an obtuse included angle with the base in the YZ-plane. Applicant has not disclosed that having the above-mentioned angles between said members solves any stated problem or is for any particular purpose. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Wood et al. to include the above-mentioned angles between said members because such a modification would have been considered a mere design configuration which fails to patentably distinguish over the prior art reference of Wood et al.

14. Claims 20-22 and 24-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,923,627 to Wood et al. in view of U.S. Patent No. D465, 624 to Kolicheski et al.

Regarding claims 20-22, 24-26, and 29-31, Wood et al. discloses the stackable frame, as shown in the figure above, comprising: an integrally formed one-piece frame for an apparatus that supplies a pressurized fluid, the frame comprising: a base that supports a power unit; a first base support member integrally formed with the base that supports the base on a surface; a second base support member integrally formed with the base that supports the base on the surface; an integrally formed handle; an integrally formed front panel, support members that are substantially parallel to the first and second base support members, said support members contiguous with the first and

Art Unit: 3632

second base support members, and a handle having a pair of downwardly extending support members that form an acute included angle with the base in the YZ-plane, but does not teach a side panel integrally formed with and extending between the first and second base support members, nor does Wood teach a handle that includes an integrally formed accessory holder having a plurality of apertures sized to receive accessories. Nevertheless, Kolicheski et al. discloses a side panel integrally formed with and extending between a first and second base member, and a handle including an integrally formed accessory holder having a plurality of a plurality of apertures. In view of Kolicheski, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the frame of Wood et al. with a side panel integrally formed with and extending between the first and second base members, and a handle including an integrally formed accessory holder having a plurality of a plurality of apertures because one would have been motivated to create a more stable, stronger, sturdier frame, and one would have been motivated to provide a frame that could accommodate accessories that could be supported within said apertures. Furthermore, it is well known in the art that the addition of a member between two spaced apart support members increases the overall stability and strength of the whole structure.

Regarding claim 27, please refer to the reasoning provided in rejected claim 12 above.

Regarding claims 28, and 32-33, Wood et al. discloses the frame as applied above, but does not teach a handle having a pair of downwardly extending support members that form an acute included angle with the base in the XY-plane, first and

Art Unit: 3632

second base support members forming an obtuse included angle with the base in the XY-plane, and first and second base support members forming an obtuse included angle with the base in the YZ-plane. Applicant has not disclosed that having the above-mentioned angles between said members solves any stated problem or is for any particular purpose. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Wood et al. to include the above-mentioned angles between said members because such a modification would have been considered a mere design configuration which fails to patentably distinguish over the prior art reference of Wood et al.

15. Claims 34-35, and 38-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,923,627 to Wood et al.

Wood et al. discloses the stackable frame, as shown in the figure above, comprising: an integrally formed one-piece frame for an apparatus that supplies a pressurized fluid, the frame comprising: a base that supports a power unit; at least one base support member that supports the base on a surface; said one base support member including first, second, third, and fourth base support members, and a handle including an upper end, a first support member defining a first axis, a second support member defining a second axis, said first and second support members each form an acute included angle with the base in the YZ-plane, said first and second support members are substantially parallel to the at least one base support member, said first and second support members are contiguous with the at least one base support member, but does not teach the first and second axes each forming an acute included

angle with the upper end in the XY-plane, nor does it teach at least one base support member forms an obtuse included angle with the base in the XY-plane, and at least one base support member forms an obtuse included angle with the base in the YZ-plane. Nevertheless, applicant has not disclosed that having the above-mentioned angles between said members solves any stated problem or is for any particular purpose. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Wood et al. to include the above-mentioned angles between said members because such a modification would have been considered a mere design configuration which fails to patentably distinguish over the prior art reference of Wood et al.

16. Claims 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,923,627 to Wood et al. in view of U.S. Patent No. D465, 624 to Kolicheski et al.

Wood et al. discloses the frame as applied above but does not teach a first panel extending between a first and fourth base support members, and a second side panel extending between a second and third base support member, nor does Wood teach a handle having an integrally formed accessory holder. Nevertheless, Kolicheski et al. discloses a side panel integrally formed with and extending between a first and second base member, and a handle having an integrally formed accessory holder. In view of Kolicheski, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the frame of Wood et al. with a first panel extending between a first and fourth base support members, and a second side panel

Art Unit: 3632

extending between a second and third base support member, and a handle having an integrally formed accessory holder because one would have been motivated to create a more stable, stronger, sturdier frame, and a frame that can accommodate accessories.

### **Conclusion**

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. Nos. 4,276,955 to Hickman, 4,334,621 to Weber, 6,854,314 to Cleave, D185,000 to Hoover, D340,610 to Hubbard, D444,279 to Kristansen, D444,797 to Davis et al., D443, 233 to Gaudet, and 5,013,032 to Baum.

The above references disclose frames relevant to the present invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy Smith whose telephone number is 571-272-8296. The examiner can normally be reached on M-F: 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

*TSS*

Timothy S. Smith  
Patent Examiner  
Art Unit 3632  
October 3, 2005

*Robert P. Olszewski 10/3/05*

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